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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,796	12/02/2003	William M. Pierce	5705-001	6142

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EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,796

Applicant(s)

PIERCE, WILLIAM M. 

Examiner

Lee Lum

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8, 10-12 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 3, 9 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/1/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. An Amendment was filed 9/1/04.
2. The disclosure is objected to because of the following issues:

In the Drawings

In fig 1, there are two elements labeled element "7". The Annotated Sheet filed 9/1/04 is unacceptable because circling (erroneous) element "7" does not constitute removal/deletion.

In the Spec

The first paragraph, "Cross-Reference to Related Applications", should include that the parent case 10-217421 has been abandoned.

Applicant is asked to resubmit his amendment to the Spec re this issue because this page has apparently been misplaced, and cannot be found. Examiner apologizes for the inconvenience.

In the Claims

The following elements lack antecedent basis:

In Claims 1, 7, 12 – trailer's centerline.

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claims 1, 7 and 12, the language, "are...separated from the trailer's centerline by a distance that is at least a multiple larger than said trailer coupling" (emphasis added), is unclear because the underlined terms, "distance...than said trailer coupling" is unclear. It is unknown what "distance" is being referred, and what constitutes the "trailer coupling".

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

As best understood, Claims 1, 2, 4-8, ¹⁰⁻¹²~~10-12~~ and ¹⁴⁻²⁰~~14-20~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritchie 3596925.

As best understood, Ritchie discloses a hitch-aligning system attachable to a trailer with tongue 24 and coupling 38, the system comprising

Elongated plate 26 attachable to the trailer, with plate ends extendable from opposite sides of the tongue 24/38,

Cable winch 30 connected to the plate, including handcrank 32,

Cable attachment point 54 (on another plate 28), including hook (unidentified element on end of cable connecting to element 54),

Cable 34 with one end connected to the winch, and another end to the attachment point,

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Cable 34 with one end connected to the winch, and another end to the attachment point,

Whereby the attachment point and a tension point where the cable departs the winch are equidistantly separated from the trailer's centerline by a distance at least a multiple larger than the trailer coupling, as best understood, thus causing a triangulating action that aligns the vehicles (fig 1),

Pulley 50, and housing, comprising elements 40/46, and including releasable attachment member 58 (fig 4).

The reference does not disclose the winch and attachment point on opposite ends of one plate, but shows a functionally-equivalent arrangement that includes a "triangulation action" for alignment. However, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include this alternate arrangement (both winch and attachment point on the same plate) to simplify assembly by having all connections (i.e., connections of the winch and attachment point) made on one plate, instead of on two plates.

Re **Claims 4 and 14**, Ritchie does not disclose U-shaped bolts as fastening the plate to the tongue, but it would have been obvious to one with ordinary skill in the art at the time the invention was made to include this alternate fastening means as one that is non-permanent, so the invention may be detachable. For example, these means may be employed in an after-market kit, so to decrease labor required for retrofit. Various types of fastening means are extremely well-known, but do not affect the proper function/operation of the invention.

Re **Claims 6 and 17**, Ritchie does not disclose the attachment point as a hole, although eyebolt/hook 54 is functionally equivalent. However, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include a hole as an alternate embodiment, to simplify the design of the invention, thus decrease costs.

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Re **Claims 11 and 15**, the reference does not disclose the plate as attached via welding, but it would have been obvious to one with ordinary skill in the art at the time the invention was made to include this fastening means as one that is extremely well-known for its structural strength, permanence, and economy, with respect to appropriate materials such as metals.

Re **Claim 19**, the reference does not disclose the system as sold as an aftermarket kit, but it would have been obvious to one with ordinary skill in the art at the time the invention was made to include this arrangement to increase applicability. In c1, ln 52-54, it is disclosed that the system "requires practically no modification of known existing systems".

Re **Claim 20**, the reference does not disclose the system as factory-installed on a boat trailer, but it would have been obvious to one with ordinary skill in the art at the time the invention was made to include this arrangement to increase applicability. It is clear that this invention is applicable to various types of trailers.

5. **Claims 3, 9 and 13** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art does not disclose the connecting system described above further including a hook for attachment to the ball hitch.

6. **RESPONSE TO REMARKS**

Examiner reiterates her rejections as provided above. Claims 1, 7 and 12 have been reconsidered to contain an issue of clarity that affects comprehension of the invention. Because of this matter, it is argued that Ritchie discloses the recited elements.

Further, it is noted that Ritchie's invention also discloses "triangulation", the three points being 1) the supply of cable from the winch, 2) the ball hitch, and 3) attachment point 54. Although the resultant "triangle" is of small width, this three-point formation is clearly evident. It would have been obvious to increase the width of the "triangulation", but this inclusion does not detract from the fact that this formation exists in Ritchie, nor that because of this configuration, the invention aids in connecting towed and towing vehicles.

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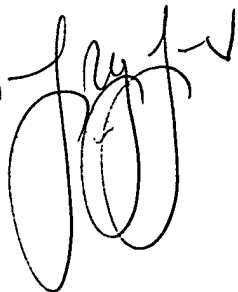
A new rejection for Claims 4 and 14 is also provided, which were previously considered to contain allowable subject matter. Examiner apologizes for the inconvenience.

7. Communication with USPTO/Examiner

Any inquiry concerning this communication should be directed to Ms. Lum at 703 305-0232, M-F, 830-530. If attempts to reach the examiner are unsuccessful, her supervisor, Ms. Lesley Morris is at 703 308-0629. Our fax number is 703 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications: private PAIR only, for published applications: private or public PAIR. For more information re PAIR: <http://pair-direct.uspto.gov>. Questions re private PAIR: contact the Electronic Business Center (EBC) at 866 217-9197.

Ms. Lee S. Lum
Examiner
9/29/04



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